REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1 and 2 are currently being cancelled.

Claims 3, 5 and 6 are currently being amended.

Claims 7 and 8 are currently being added.

This amendment adds, cancels and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After adding, canceling and amending the claims as set forth above, claims 3-8 are now pending in this application.

Indication of Allowable Subject Matter:

Applicant appreciates the indication of allowable subject matter made in the Office Action with respect to claims 5 and 6. By way of this amendment and reply, new claims 7 and 8 respectively correspond to original claims 5 and 6 written in independent form to include the features of their respective base claim and any intervening claims (with a minor change made to change "screwed or loosening the screw" to "screwed tighter or loosened", for sake of clarity). Thus, claims 7 and 8 are in allowable form based on the indications made in the Office Action. Also, presently pending claims 5 and 6, which have not been amended to place those claims in independent form, are also believed to recite allowable subject matter in accordance with the indications made in the Office Action.

Claim Rejections – Prior Art:

In the Office Action, claims 1-4 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,834,762 to Matsuda et al. This rejection is traversed with respect to presently pending claims 3 and 4, for at least the reasons given below.

With respect to the rejection made for claim 3, the Office Action asserts that "Matsuda et al. discloses an image reading apparatus which includes an image reading sensor for reading an image of an original document and converting the image into an electrical

signal, which adjusts an optical axis of light irradiated and reflected by the original document to project the light on the image reading sensor and reads the image of the original document by the image reading sensor to convert the image into the electrical signal (col. 3, line 29 through col. 4 line 17), wherein the image reading apparatus further comprises an output value detecting mechanism which detects an output value of the image reading sensor which is varied in accordance with a deviation in the optical axis, and an optical axis adjusting mechanism which adjusts the optical axis such that the output value detected by the output value detecting mechanism becomes an appropriate value (col. 5, lines 25-55)."

In column 5, lines 25-55 of Matsuda et al., the direction of the reflected light is <u>not</u> adjusted. Rather, a lens is moved based on the height data and the density level data. This is done for adjusting the focus depending on the change in height of the document. Again, the direction of the reflected light is not adjusted in the system and method of Matsuda et al.

As recited in claim 3 and its dependent claims, the direction of the reflected light is not adjusted at the time of reading the document such as described in Matsuda et al., but rather is adjusted before reading the document. In Matsuda et al., the lens is moved and adjusted at the time of reading the document. However, in adjustment of the reflected light direction in accordance with the claimed invention, the lens is not adjusted at the time of reading the document. In the present invention, the direction of the reflected light is adjusted to resolve image failure which is caused if the direction of the reflected light is deviated due to occurrences such as variation in parts or assembling operation. That is, adjustment is performed before reading the document in the present invention.

Also, in Matsuda et al., it is necessary to adjust the direction of the reflected light so that the reflected light is accurately made incident on the image reading sensor as a basic adjustment of the device before reading the document. Accordingly, Matsuda et al. assume that the direction of the reflected light is accurately adjusted. Therefore, it is considered that nothing regarding the adjustment of the reflected light direction is described in the system and method of Matsuda et al. Even if one assumes that the direction of the reflected light has already been adjusted in the system of Matsuda et al. (which Applicant submits is not disclosed or suggested by Matsuda et al.), the direction of the reflected light comes closer to the center in the central portion of the opened book, and extends outward at both end portions. In this case, none of the technical ideas of adjusting the direction of the reflected light exists in such a hypothetical system of Matsuda et al.

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Further, the adjusting mechanism as recited in presently pending claim 3 is adjusted so that the direction of the reflected light and a peak position of illumination on a surface of the original document are aligned with each other and the CCD output value is set appropriately. However, Matsuda et al. does not disclose or suggest the adjustment of aligning the optical axis of the reflected light and the peak position of illumination on the surface of the original document.

Therefore, Matsuda et al. do not disclose or suggest "an adjusting mechanism which adjusts the direction of the reflected light such that the output value detected by the output value detecting mechanism becomes an appropriate value obtained when the direction of the reflected light and a peak position of illumination on a surface of the original document are aligned with each other", as recited in presently pending claim 3. Further, in Matsuda et al., other countermeasures are taken by allowing that the direction of the reflected light comes closer to the center and extends outward in the central portion and both end portions of the opened book. In this case, the direction of the reflected light is not adjusted in the system and method of Matsuda et al.

Accordingly, the invention according to presently pending claim 3 is not anticipated by Matsuda et al.

Claim 4 depends from claim 3, and is patentable for the reasons given above with respect to claim 3. Claims 5 and 6 were 'objected to' in the Office Action, and thus those claims are patentable over Matsuda et al., as already acknowledged in the Office Action.

New Claims:

As mentioned above, new claims 7 and 8 correspond to original claims 5 and 6 written in independent form, and thus those claims are in allowable form.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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